UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,915	10/10/2003	Lester F. Ludwig	2152-3020	3056

35884 7590 12/28/2007
LEE, HONG, DEGERMAN, KANG & SCHMADEKA
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
FLETCHER, MARLON T	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/683,915	**Applicant(s)** LUDWIG, LESTER F.	
	Examiner Marlon T. Fletcher	**Art Unit** 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2007*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-118* is/are pending in the application.

4a) Of the above claim(s) *1-24 and 63-118* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-27, 29-35, 37, 39-46, 48-54, and 62, are rejected under 35 U.S.C. 102(b) as being anticipated by Kimpara et al. (5,310,962).

As recited in claims 25 and 44, Kimpara et al. disclose a system for extracting and generating control signals from video signals, said system comprising: a first video signal decomposition element (2) for receiving a first incoming video signal, wherein said first video signal decomposition element separates at least one image-related component from said first incoming video signal (column 3, lines 43-50); and a processor (4) for processing said at least one image-related component of said first incoming video signal according to a control signal extraction algorithm, wherein said processing results in an associated at least one outgoing control signal comprising a signal of MIDI format (figure 1).

As recited in claims 26, 37, 45, Kimpara et al. disclose the system, wherein said first incoming video signal originates from a video camera (12, 13).

As recited in claims 27 and 46, Kimpara et al. disclose the system, wherein said video camera is attached to a musical instrument (23) (column 6, lines 19-20).

As recited in claims 29 and 48, Kimpara et al. disclose the system, wherein an incoming control signal is used by said control signal extraction algorithm to generate said at least one outgoing control signal (figure 2).

As recited in claims 30 and 49, Kimpara et al. disclose the system, wherein said incoming control signal comprises signals of MIDI format (column 4, lines 39-44).

As recited in claims 31 and 50, Kimpara et al. disclose the system, wherein said control signal extraction algorithm is selected from a plurality of pre-stored control signal extraction algorithms (abstract; and figure 2).

As recited in claims 32, 39, and 51, Kimpara et al. disclose the system, wherein said control signal extraction algorithm recognizes at least one pattern in said incoming video signal, wherein said at least one pattern is used to generate said at least one outgoing control signal (abstract).

As recited in claims 33, 40, and 52, Kimpara et al. disclose the system, wherein said control signal extraction algorithm further calculates at least one pattern parameter associated with said at least one pattern in said incoming video signal, wherein said pattern parameter is used to generate said at least one outgoing control signal (column 3, lines 43-56).

As recited in claims 34-35, 41-42, and 53-54, Kimpara et al. disclose the system, wherein said control signal extraction algorithm further recognizes at least one gesture in said incoming video signal, wherein said recognition is used to generate said at least one outgoing control signal, wherein said control signal extraction algorithm further calculates at least one gesture parameter associated with said at least one gesture recognized in said video input signal, wherein said gesture parameter is used to generate said at least one outgoing control signal (column 4, lines 1-38).

As recited in claims 43 and 62, Kimpara et al. disclose the system, wherein said first incoming video signal is processed by a real-time image processor (14) to generate a modified video signal, wherein said real-time image processor is controlled by an incoming control signal.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 28, 36, 38, 47, and 55-61, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimpara et al. in view of Toriumi (6,062,868).

Kimpara et al. are discussed above. As recited in claim 56, Kimpara et al. disclose the system, wherein said first incoming video signal originates from a video camera (12, 13). As recited in claims 58, Kimpara et al. disclose the system, wherein an incoming control signal is used by said control signal extraction algorithm to generate said at least one outgoing control signal (figure 2).

As recited in claim 59, Kimpara et al. disclose the system, wherein said control signal extraction algorithm further calculates at least one pattern parameter associated with said at least one pattern in said incoming video signal, wherein said pattern parameter is used to generate said at least one outgoing control signal (column 3, lines 43-56).

As recited in claims 60-61, Kimpara et al. disclose the system, wherein said control signal extraction algorithm further recognizes at least one gesture in said incoming video signal, wherein said recognition is used to generate said at least one outgoing control signal, wherein said control signal extraction algorithm further calculates at least one gesture parameter associated with said at least one gesture recognized in said video input signal, wherein said gesture parameter is used to generate said at least one outgoing control signal (column 4, lines 1-38).

Kimpara et al. do not disclose a video display for an audience.

However, Toriumi (claims 28 and 47) discloses a system similar to Kimpara et al., wherein said incoming video signal is communicated to a video display (9) visible to an audience, wherein Toriumi discloses a video decomposition element (44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Toriumi with the teachings of Kimpara et al., because the combination would further provide a display for viewing by an audience.

With respect to claims 36, 38, 55, and 57, Kimpara et al. do not disclose multiple decomposition elements.

However, Kimpara et al. (figure 5) and Toriumi (figure 1), disclose multiple video inputs. Since each input is decomposed by the decomposition element, it would be obvious to one skilled in the art to provide a second decomposition element or a decomposition element for each video input.

Further it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. (St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
12/23/2007

Marlon Fletcher
Primary Examiner